



# Public Notice

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

www.plymouthmi.gov  
Phone 734-453-1234  
Fax 734-455-1892

## **CITY OF PLYMOUTH, MICHIGAN ORDINANCE NO. 2025-01**

ORDINANCE AMENDMENTS TO CHAPTER 14-ANIMALS AND CHAPTER 54-OFFENSES AND MISCELLANEOUS PROVISIONS OF THE PLYMOUTH CITY CODE OF ORDINANCES DUE TO CHANGES IN LAW OR TECHNOLOGY TO ACHIEVE ABOVE, THE FOLLOWING ORDINANCE SECTIONS HAVE BEEN MODIFIED AND ADDED AS INDICATED:

### **CHAPTER 14 - ANIMALS**

#### **ARTICLE II. - DOGS**

- Section 14-14 – Running at Large
- Section 14-15 – Offenses by Dogs

### **CHAPTER 54 - OFFENSES AND MISCELLANEOUS PROVISIONS;**

#### **ARTICLE I. IN GENERAL**

- Section 54-9 – Violations of State Law *[added]*
- Secs. 54-10 – 54-30. Reserved.

#### **ARTICLE III. OFFENSES AGAINST PUBLIC PEACE**

- Section 54-76 – Public Intoxication
- Section 54-78 – Trespass at night

#### **ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY**

##### **DIVISION 2. WEAPONS**

- Section 54-209– Replica or facsimile of firearms *[added]*
- Secs. 54-210 – 54-230. Reserved.

#### **ARTICLE VI. OFFENSES AGAINST THE PERSON**

- Section 54-233 – Malicious Use of Service Provided by Telecommunications Service Providers

#### **ARTICLE VII. OFFENSES AGAINST PUBLIC MORALS**

##### **DIVISION 2. CONTROLLED SUBSTANCES**

- Section 54-276 – General Prohibition
- Section 54-278 – Paraphernalia
- Section 54-281 – Controlled substances to be kept in original package *[added]*
- Secs. 54-282 – 54-290. Reserved.

#### **ARTICLE VIII. OFFENSES INVOLVING MINORS**

##### **DIVISION 2. CURFEW**

- Section 54-327 – Minors under 18 Years of Age
- Section 54-328 – Aiding, Abetting Prohibited
- Section 54-329 – Spray Paint *[added]*
- Secs. 54-330 – 54-340. Reserved.

##### **DIVISION 4. TOBACCO**

- Section 54-361 – Use or Possession of Tobacco Products by Minors
- Section 54-362 – Sale of Tobacco Products, Vapor Product or Alternative Nicotine Products to Persons Under 21 Years of Age

The entire ordinance can be viewed at: [https://www.plymouthmi.gov/agenda\\_center](https://www.plymouthmi.gov/agenda_center)

Introduced- 12-16-2024

Publication – 1-21-2025

Enacted – 1-6-2025

Effective – 1-22-2025

CITY OF PLYMOUTH, MICHIGAN  
ORDINANCE NO. 2025 - 01

**CHAPTER 14 - ANIMALS**

**ARTICLE II. DOGS**

**Sec. 14-14. - Running at large.**

No person owning, possessing, or harboring any dog shall allow such dog to run at large at any time. The chief of police or any authorized representative of the police department may destroy any stray dog, any apparent dangerous dog, or any dog not held by a leash found in any street, alley, commons, public space within the city, open space within the city, or in any persons yard other than that of the owner of the dog. The chief of police or any authorized representative of the police department should first make a reasonable effort to catch and impound any dog in violation of this section before destroying said dog unless doing so would place the police officer and/or the public in any apparent danger. ~~Violation of this section shall be a civil infraction subject to a fine of not more than \$500.00 plus costs of prosecution.~~

(Ord. No. 2008-02, 4-7-08; [Ord. No. 16-07, 9-6-16](#))

**Sec. 14-15. - Offenses by dogs.**

~~It shall be unlawful within the city to:~~

- ~~(a) Harbor or keep any dog, which, by loud and/or frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood or to people passing by on the streets of the city;~~
- ~~(b) Harbor or keep any dog which has been deemed to be a dangerous dog as set forth and described within this article, unless the dog is kept in a manner consistent with the requirements of this article.~~
- ~~(c) Permit a dog to run at large as defined within this article.~~
- ~~(d) Harbor or keep any dog that is not licensed pursuant to the requirements of this article.~~

[It shall be unlawful within the city to:](#)

- [\(a\) Harbor or keep any dog, which, by loud and/or frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood;](#)
- [\(b\) Leave any dog unattended or tied up in a public place unattended;](#)
- [\(c\) Harbor or keep any dog which is found to be a dangerous dog as set forth and described within this article, unless the dog is kept in a manner consistent with the requirements of this article;](#)
- [\(d\) Permit a dog to run at large as defined within this article;](#)
- [\(e\) Harbor or keep any dog that is not licensed pursuant to the requirements of this article.](#)

[Any officer is authorized to either have a private citizen sign a misdemeanor ticket upon a violation of this article or the officer may issue a civil infraction and have the prosecuting attorney review and authorize said civil infraction consistent with MCL 600.8707.](#)

(Ord. No. 2008-02, 4-7-08)

## **CHAPTER 54 - OFFENSES AND MISCELLANEOUS PROVISIONS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 54-9. – Violations of State Law**

- (a) Every act prohibited by state law as a misdemeanor punishable by not more than 90-, 92-, or 93-days imprisonment is hereby prohibited, and whoever violates a provision of this section within the city shall, upon conviction thereof, be punished by the same penalty provided by state law, except that the penalty shall not exceed a fine of \$500.00 or imprisonment not more than 90 days, or both.
- (b) Every act prohibited by state law as a civil infraction is hereby prohibited and whoever violates the provisions of that section is responsible for a civil infraction punishable as provided in that section of the state law.

#### **Secs. 54-10 – 54-30. Reserved.**

### **ARTICLE III. OFFENSES AGAINST PUBLIC PEACE**

#### **Sec. 54-76. - Public intoxication.**

~~No person shall be intoxicated in a public place and either endanger directly the safety of another person or of property; provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.~~

Any person who is visibly intoxicated in a public place or a private place open to the public, or who shall because of intoxication be a threat to the safety of themselves or other persons or property, or is acting in a manner that unreasonably creates a public disturbance shall be guilty of public intoxication which shall be deemed a misdemeanor.

(Ord. No. 92-4, § 3(9.122(19)), 2-18-92)

#### **Sec. 54-78. - Trespass at night.**

No person shall knowingly prowl about premises owned or leased by another ~~in the nighttime~~, during hours of darkness, without the express or implied consent of that person.

(Ord. No. 92-4, § 3(9.122(38)), 2-18-92)

### **ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY**

#### **DIVISION 2. WEAPONS**

## Sec. 54-209. - Replica or facsimile of firearm.

- (a) Definition. "Replica or facsimile of firearm" means any device or object made of plastic, wood, metal or any other material which is a replica, facsimile, imitation or toy version of any firearm including but not limited to, a replica, facsimile or toy version of a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, assault weapon, starter pistol, machine gun, rocket launcher, air gun, BB gun inoperative firearms, or other firearm. As used in this article, "replica or facsimile firearm" shall include, but is not limited to toy guns, theatrical production props models, or any other device or object which might reasonably be perceived to be real firearms.
- (b) Unlawful use of replica or facsimile of firearm
1. Unlawful display of replica, toy or imitation gun. It shall be unlawful for any person to carry, possess, brandish, aim, point, exhibit or display to any other person a replica or facsimile of a firearm in such a manner as to frighten, threaten, harass, panic or annoy any other person.
  2. Unlawful to carry or possess imitation gun in motor vehicle. It shall be unlawful for any person to carry or possess, whether concealed or displayed, in a motor vehicle in an area of the vehicle accessible to the occupants thereof, a replica or a facsimile of a firearm with intent to brandish, use, aim or point such firearm to frighten, panic, threaten, harass or annoy any other person. Carrying or concealing of any such replica or facsimile firearm under or near the driver's seat, glove box or dashboard shall be a prima facie rebuttable inference of such intent.
  3. Unlawful to brandish replica or facsimile of firearm in presence of police officer, firefighter or emergency medical technician. No person shall draw, exhibit or brandish a replica or facsimile of a firearm in the presence of a police officer, firefighter, medical emergency technician or paramedic who is engaged in the performance of his duties and the person committing such brandishing knows or has reason to know that such police officer, firefighter, medical emergency technician or paramedic is engaged in the performance of his duties.

## Secs. 54-210 – 54-230. Reserved.

### ARTICLE VI. OFFENSES AGAINST THE PERSON

#### Sec. 54-233. - ~~Threatening by telephone.~~ **Malicious Use of Service Provided by Telecommunications Service Providers**

~~No person shall telephone any other person or cause any person to be telephoned for the purpose of harassing or molesting or threatening any person or his family, or their property, whether or not conversation ensues, except for telephone calls made for legitimate business purposes.~~

No person shall use any service provided by a telecommunications service provider with the intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

- (a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device,

- (b) Falsely and deliberately calling or reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.
- (c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.
- (d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.
- (e) Repeatedly initiating a communication or call without speaking, deliberately hanging up or breaking the telecommunication connections or call after the call is answered.
- (f) Repeatedly initiating a call or telecommunication connections using a telecommunications device so as to disrupt the peace of another.

(Ord. No. 92-4, § 3(9.122(4)), 2-18-92; Ord. No. 2006-06, § 1, 12-18-06)

## **ARTICLE VII. OFFENSES AGAINST PUBLIC MORALS**

### **DIVISION 2. CONTROLLED SUBSTANCES**

#### **Sec. 54-276. - General prohibition.**

It is unlawful for any person to use, or knowingly or intentionally to possess, lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocyn or marijuana (Cannabis Sativa L.) or such other substances as defined in Schedules 1-5 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, of the state, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner, ('practitioner' being defined as in MCL 333.7109, MSA 14.15(7109), while acting in the course of his professional practice, or except as otherwise authorized by this section.

(Code 1982, § 9.361)

#### **Sec. 54-278. - Paraphernalia.**

~~It shall be unlawful for any person to have, possess, sell, offer to sell, dispense or give away any pipe, device or contrivance adapted for the use of smoking or inhaling marijuana (Cannabis Sativa L.), hashish or opium; provided, however, that such pipe, device or contrivance has been used for the purpose of smoking or inhaling marijuana, hashish or opium.~~

A person shall not possess drug paraphernalia as defined by section 7451 of Public Act No. 368 of 1978 (MCL 333.7451) knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by part 71 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(Code 1982, § 9.363)

**Sec. 54-281. – Controlled substances to be kept in original package.**

It shall be unlawful for any person to knowingly possess any controlled substance as defined in MCL § 333.7212, MCL § 333.7214, MCL § 333.7216, MCL § 333.7218 and MCL § 333.7220, and as amended, commonly referred to Schedule 1 through Schedule 5 controlled substances, unless it is kept in the original package or container in which they were received from a person who may lawfully prescribe or dispense controlled substances; provided, that this subsection shall not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian, or chiroprapist, or to any authorized person acting directly under their supervision or control.

**Secs. 54-282 – 54-290. Reserved.**

**ARTICLE VIII. OFFENSES INVOLVING MINORS**

DIVISION 2. CURFEW

**Sec. 54-327. - Minors under ~~17~~ 18 years of age.**

No person under the age of ~~17~~ 18 years shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 12:00 midnight and 6:00 a.m., except where the minor is accompanied by a parent or guardian, or some adult over the age of 18 years delegated by the parent or guardian to accompany the minor child, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

(Code 1982, § 9.342)

**Sec. 54-328. - Aiding, abetting prohibited.**

No person of the age of ~~17~~ 18 years or over shall assist, aid, abet, allow, permit or encourage any person under the age of ~~17~~ 18 years to violate the provisions of this division.

(Code 1982, § 9.343)

**Sec. 54-329. – Spray Paint.**

- (a) For the purposes of this section, the term "spray paint" shall mean any cans or similar containers of paint, varnish, lacquer, stain, pigment or similar solvent or substance commonly used in painting and applied by a spraying method, atomizer or similar technique.
- (b) No person under 18 years of age shall purchase or possess any cans of spray paint, nor shall any person sell or transfer possession of any cans of spray paint to any person under 18 years of age for an unlawful purpose.

**Secs. 54-330 – 54-340. Reserved.**

## ARTICLE VIII. OFFENSES INVOLVING MINORS

### DIVISION 4. TOBACCO

#### Sec. 54-361. - Use or possession of tobacco products by minors.

~~(a) No person under the age of 18 shall purchase, offer or attempt to purchase, have in possession or use any product which is used for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form.~~

~~(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.~~

(a) Definitions. As used in this section, the following definitions shall apply:

*Chewing tobacco* means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked.

*Minor* means an individual who is less than 21 years of age.

*Person who sells vapor products or alternative nicotine products at retail* means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products or alternative nicotine products.

*Person who sells tobacco products at retail* means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

*Public place* means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business.

*Tobacco product* means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422, and a cigar.

*Tobacco snuff* means shredded, powdered or pulverized tobacco which may be inhaled through the nostrils, chewed or placed against the gums.

*Vapor Product or Alternative Nicotine Products* means a noncombustible product containing nicotine or not that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, which can be used to produce vapor from nicotine or not in a solution or other form. Vapor Product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form than is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor Product does not include a product regulated as a drug or device by the United States Food and Drug Administration ("FDA") under subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360FFF-7.

(b) Possession or use in public place prohibited. A person under 21 years of age shall not possess or smoke cigarettes or cigars, or possess or chew, suck, or inhale chewing tobacco or tobacco snuff, or possess or use tobacco in any other form, or possess or smoke vapor product or alternative nicotine products on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement, or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

- (c) Penalty. A person who violates subsection (b) of this section shall be responsible for a state civil infraction or misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates subsection (b) of this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a person who violates this section is subject to the following:
1. For the first violation the court may order the person to do one of the following:
    - a. Perform not more than 16 hours of community service in a hospice, nursing home or long-term care facility.
    - b. Participate in a health promotion and risk reduction program, as described in this subsection.
  2. For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility.
  3. For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long-term care facility.
- (d) A person who is ordered to participate in a health promotion and risk reduction assessment program under subsection (c) is responsible for the costs of participating in the program.
- (e) Subsections (b) and (c) do not apply to a minor participating in any of the following:
1. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
  2. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, vapor product, or alternative nicotine product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
- (f) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance use disorder coordinating agency and with the prior approval of the state police or a local police agency.
- (g) This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsection (b) or (c).

(Ord. No. 98-4, 9-3-98)

**Sec. 54-362. - Sale of tobacco products, ~~to minors, penalty, affirmative defense.~~ vapor product or alternative nicotine products to persons under 21 years of age.**

~~(a) No person shall sell, furnish, give or deliver any product which is used for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form, to any person under the age of 18.~~

~~(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.~~

- (a) A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form or vapor products or alternative nicotine products to a person under 21 years of age including but not limited to, through a vending machine. A person who violates this subsection or subsection (h) of this Ordinance is guilty of a misdemeanor punishable by a fine as follows:
1. For a first offense, not more than \$100.00.
  2. For a second or subsequent offense, not more than \$500.00.
- (b) A person who sells tobacco products, vapor products, or alternative nicotine products at retail shall post a sign as required by section 1 of Public Act No. 31 of 1915 (MCL 722.641), furnished by the state department of public health, that includes the following statement:
- The purchase of tobacco products or vapor products or alternative nicotine products by a minor under 21 years of age and the provision of tobacco products or vapor products or alternative nicotine products to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, vapor product or alternative nicotine product is subject to criminal penalties.*
- (c) It is an affirmative defense to a charge pursuant to subsection (a) of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products, vapor products or alternative nicotine products, as applicable, to persons under 21 years of age, and that the defendant enforced and continues to enforce the policy. A defendant which proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the township attorney. The notice shall be served not less than 14 days before the date set for trial.
- (d) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) of this section shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.
- (e) Subsection (a) does not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.
- (f) Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product, or alternative nicotine product to an individual, a person shall verify that the individual is at least 21 years of age by doing one of the following:
1. If the person appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least 21 years of age.
  2. For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is 21 years of age or older.